

The National Policy & Legal Analysis Network to Prevent Childhood Obesity (NPLAN) is a project of ChangeLab Solutions, a nonprofit organization that provides legal information on matters relating to public health. The legal information in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.

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APPENDIX A

Findings for Model Healthy Food Zone Ordinance

Developed by the National Policy & Legal Analysis Network
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The [Municipality] does ordain as follows:

SECTION I. FINDINGS. The [Municipality] hereby finds and declares as

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follows:

WHEREAS, Childhood obesity is one of the most urgent public health challenges facing the nation and the State of [insert state of municipality], with 16.3 percent of children and adolescents ages 2 to 19 obese, and 31.9 percent obese or overweight;¹

WHEREAS, Overweight children are at greater risk for numerous adverse health consequences, including type 2 diabetes, heart disease, stroke, high blood pressure, high cholesterol, certain cancers, asthma, low self-esteem, depression, and other debilitating diseases;²

WHEREAS, Childhood obesity is estimated to cost \$14 billion annually in health expenses;³

WHEREAS, In [insert state of municipality], obesity rates have [insert state-specific data with citation];

COMMENT: See <http://healthyamericans.org/state/> and <http://apps.nccd.cdc.gov/brfss/> for state-specific information.

WHEREAS, The cost of obesity in [insert state of municipality] borne directly by taxpayers through Medicare and Medicaid payments is [add state-specific data about Medicare and Medicaid costs with citation];

COMMENT: See http://cdc.gov/nccdphp/dnpa/obesity/economic_consequences.htm for Medicare and Medicaid obesity expenditures by state.

WHEREAS, In [insert municipality], obesity rates are _____ [insert City-specific data with citation];

WHEREAS, Studies have shown strong evidence of an association between frequent eating of fast food, excess energy intake, weight gain, overweight, and obesity;^{4, 5, 6, 7, 8, 9, 10, 11, 12, 13}

In adolescents, those who ate fast food and other away-from-home foods regularly consumed 600-800 extra calories per week and were more likely to have higher body mass indexes;^{14, 15} Greater availability of fast food restaurants is associated with higher individual-level weight status and higher state-level obesity prevalence;^{16, 17}

WHEREAS, On a typical day, nearly one-third of U.S. children ages 4 to 19 eat fast food every day;¹⁸

WHEREAS, The typical calorie content of menu items, such as french fries and soft drinks, has increased about 35 percent since the 1970s,^{19, 20} and it is common for restaurants to serve two to three times more than what is considered a standard serving size;²¹

WHEREAS, On days that children and teens eat fast food, they consume more calories, fats, and sugars and fewer fruits and vegetables than on days when they do not eat fast food;²²

WHEREAS, More than one-third of middle and high schools nationwide are located within a half-mile of at least one fast food outlet or convenience store;²³

WHEREAS, Two-thirds of urban secondary schools have at least one fast food restaurant within walking distance;²⁴

WHEREAS, A recent study found that students with fast-food restaurants within one half mile of their schools (1) consumed fewer servings of fruits and vegetables, (2) consumed more servings of soda, and (3) were more likely to be overweight or obese than were youths whose schools were not near fast food restaurants.²⁵

WHEREAS, [insert state of municipality] law regulates the nutrient content of competitive foods permitted to be sold in schools by [summarize the state's regulation of foods permitted to/prohibited from being sold on school campuses];²⁶

WHEREAS, the Wellness Policy of [insert local school district] School District prohibits the sale of _____ [insert summary of the School District's Wellness Policy provisions regarding nutrient content of foods permitted to be sold on campus];

WHEREAS, [insert local school district] School District has taken the following measures to lower childhood obesity rates [list measures such as increasing physical education/activity, providing nutrition education, banning sugar-sweetened drinks from vending machines], such measures are undermined by having fast food close to the school district.

NOW THEREFORE, BE IT RESOLVED . . .

- ¹ Ogden CL, Carroll MD and Flegal KM. "High Body Mass Index for Age Among US Children and Adolescents, 2003-2006." *Journal of the American Medical Association*, 299(20): 2401-05, 2008.
- ² US Department of Health and Human Services, Office of the Surgeon General. *The Surgeon General's Call to Action to Prevent and Decrease Overweight and Obesity*. Rockville: US Department of Health and Human Services, Public Health Service, Office of the Surgeon General, 2001. Available at: http://surgeongeneral.gov/topics/obesity/calltoaction/fact_adolescents.htm.
- ³ Thomson Medstat. *Childhood Obesity: Costs, Treatment Patterns, Disparities in Care, and Prevalent Medical Conditions*. 2006, p. 1. Available at: www.medstat.com/pdfs/childhood_obesity.pdf.
- ⁴ Binkley UK, Eales J and Jekanowski M. "The Relation Between Dietary Change and Rising US Obesity." *International Journal of Obesity*, 24(8): 1032-39, 2000.
- ⁵ Jeffery RW and French SA. "Epidemic Obesity in the United States: Are Fast Food and Television Viewing Contributing?" *American Journal of Public Health*, 88(2): 277-80, 1998.
- ⁶ Ma Y, Bertone ER, Stanek EJ, et al. "Association Between Eating Patterns and Obesity in a Free-living US Adult Population." *American Journal of Epidemiology*, 158: 85-92, 2003.
- ⁷ McCrory MA, Fuss PJ, Hays NP, et al. "Overeating in America: Association Between Restaurant Food Consumption and Body Fatness in Healthy Adult Men and Women Ages 19 to 80." *Obesity Research*, 7: 564-71, 1999.
- ⁸ McCrory MA, Fuss PJ, Saltzman E, et al. "Dietary Determinants of Energy Intake and Weight Regulation in Healthy Adults." *Journal of Nutrition*, 130 (Supplement): 276S-79S, 2000.
- ⁹ The Keystone Center. *The Keystone Forum on Away-from-Home Foods: Opportunities for Preventing Weight Gain and Obesity*. Washington, DC: Food and Drug Administration, 2006, p. 68-73. Available at: http://208.72.156.157/~keystone/files/file/about/publications/Forum_Report_FINAL_5-30-06.pdf.
- ¹⁰ Lin B, Guthrie J and Frazao E. *Away-From-Home Foods Increasingly Important to Quality of American Diet: Agriculture Information Bulletin No. 749*. Washington, DC: US Department of Agriculture, Economic Research Service, 1999.
- ¹¹ Bowman S and Vinyard B. "Fast Food Consumption of US Adults: Impact on Energy and Nutrient Intakes and Overweight Status." *Journal of the American College of Nutrition*, 23(2): 163-68, 2004.
- ¹² Kant AK and Graubard BI. "Eating Out in America, 1987-2000: Trends and Nutritional

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- Correlates." *Preventive Medicine*, 38(2): 243-49, 2004.
- ¹³ Bowman S, Gortmaker SL, Ebbeling CB, et al. "Effects of Fast Food Consumption on Energy Intake and Diet Quality Among Children in a National Household Survey." *Pediatrics*, 113(1): 112-18, 2004.
- ¹⁴ Niemeier H, Raynor H, Lloyd-Richardson E, et al. "Fast Food Consumption and Breakfast Skipping: Predictors of Weight Gain from Adolescence to Adulthood in a Nationally Representative Sample." *Journal of Adolescent Health*, 39(6): 842-49, 2006.
- ¹⁵ Huang TT, Howarth NC, Lin BH, et al. "Energy Intake and Meal Portions: Associations with BMI Percentile in US Children." *Obesity Research*, 12(11): 1875-85, 2004.
- ¹⁶ Mehta NK and Chang VW. "Weight Status and Restaurant Availability: A Multilevel Analysis." *American Journal of Preventive Medicine*, 34(2): 127-33, 2008.
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- ¹⁹ Nielsen SJ and Popkin BM. "Patterns and Trends in Food Portion Sizes, 1977-1998." *Journal of the American Medical Association*, 289(4): 450-53, 2003.
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- ²¹ Center for Science in the Public Interest. *Anyone's Guess: The Need for Nutrition Labeling at Fast-food and Other Chain Restaurants*. Washington, DC: Center for Science in the Public Interest, 2003, p.11. Available at: www.cspinet.org/restaurantreport.pdf.
- ²² Bowman et al., *supra* note 13.
- ²³ Zenk SN and Powell LM. "US Secondary Schools and Food Outlets." *Health & Place*, 14(2): 336-46, 2007.
- ²⁴ *Id.*
- ²⁵ Davis B and Carpenter C. "Proximity of Fast-Food Restaurants to Schools and Adolescent Obesity." *American Journal of Public Health*, 99(3): 505-510, 2009.
- ²⁶ More information on the state laws regulating the nutrition content of foods permitted to be sold in schools is available in: *F as in Fat: How Obesity Threatens America's Future*. 2011, pp. 42-44. Available at: <http://healthyamericans.org/assets/files/TFAH2011FasInFat10.pdf>.